STAND. COM. REP. NO.



Honolulu, Hawaii

MAR 25 , 2021

RE: S.B. No. 714

S.D. 1 H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 714, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to clarify that the Hawaii Publicity Rights Act applies retroactively to protect the publicity rights of individuals who died before the date of enactment of the Act.

Your Committee received testimony in support of this measure from SAG-AFTRA Hawaii Local and four individuals.

Your Committee finds that the Hawaii Publicity Rights Act was enacted on July 15, 2009, to recognize the existence of the right of publicity, which is a property right in the commercial use of one's name, voice, signature, likeness, and other commercially valuable attributes. Your Committee further finds that it is an important law that allows the people of Hawaii to protect their legacy and rights that are not covered by federal copyright law and state and federal trademark laws; however, it does not protect those who predeceased the enactment of the Act. This measure ensures that Act applies retroactively to protect the publicity rights of all persons, living and dead.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 714, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as S.B. No. 714, S.D. 1, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

AARON LING JOHANSON, Chair

State of Hawaii House of Representatives The Thirty-first Legislature

HSCR 1485

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 714 SD1 HD1	Committee Referral: ECD, CPC, JHA		Date: 3 24 21		
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members	Ayes	Ayes (WR)	Nays	Excused	
1. JOHANSON, Aaron Ling (C)	V				
2. KITAGAWA, Lisa (VC)					
			January St. Aller St. Marketter		
3. AQUINO, Henry J.C.	V				
4. HAR, Sharon E.					
5. HASHEM, Mark J.					
6. KONG, Sam Satoru					
o. No.vo, Sam Satoru					
7. MIZUNO, John M.					
8. MORIKAWA, Dee					
9. ONISHI, Richard H.K.					
10. TADNAS Davida					
10. TARNAS, David A.					
11. MATSUMOTO, Lauren	V				
TOTAL (11)		0	0	0	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: Linktagmar					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					